

Joshua Trigsted  
Oregon State Bar ID Number 06531  
Trigsted Law Group, P.C.  
5200 SW Meadows Rd, Ste. 150  
Lake Oswego, OR 97035  
503-376-6774, ext. # 216  
866-927-5826 facsimile  
jtrigsted@attorneysforconsumers.com  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**ROBERT MADRID,**

Plaintiff,

vs.

**ASSET ACCEPTANCE, LLC &  
JOHNSON MARK, LLC,**

Defendants.

Case No.: 3:16-cv-1371

**COMPLAINT;**

FAIR DEBT COLLECTION PRACTICES  
ACT (15 U.S.C. § 1692a, *et seq.*);

DEMAND FOR JURY TRIAL

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**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendants' violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

**II. JURISDICTION**

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 U.S.C. § 1331.

### **III. PARTIES**

3. Plaintiff, Robert Madrid (“Plaintiff”), is a natural person residing in Washington County, Oregon.

4. Defendant, Asset Acceptance, LLC (“Defendant Asset”), is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant Asset regularly attempts to collect debts alleged due another.

5. Defendant, Johnson Mark, LLC (“Defendant JMLLC”), is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant JMLLC regularly attempts to collect debts alleged due another.

### **IV. FACTUAL ALLEGATIONS**

6. Defendants are each a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

7. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

8. All activities of Defendants set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 U.S.C. § 1692a(5).

9. Within the last year, Defendants took multiple actions in an attempt to collect a debt from Plaintiff. Defendants’ conduct violated the FDCPA in multiple ways, including the following.

10. Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt, including failing to provide adequate notice of a garnishment. Defendant JMLLC’s notice of garnishment included an incomplete Debt Calculation that

does not include all of the data required by Oregon law. Defendant Asset is vicariously liable for the actions of JMLLC (§ 1692f)).

11. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

12. Defendants intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

13. Defendants' actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

14. To the extent Defendants' actions, detailed in paragraphs above, were carried out by an employee of either Defendant, that employee was acting within the scope of his or her employment.

#### **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff reincorporates by reference all of the preceding paragraphs.

16. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FDCPA.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:

A. Declaratory judgment that Defendants' conduct violated the FDCPA;

- B. Actual damages pursuant to 15 U.S.C. 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 6<sup>th</sup> day of July, 2016.

By: s/Joshua Trigsted  
Joshua Trigsted  
Trigsted Law Group, P.C.  
5200 SW Meadows Rd., Ste. 150  
Lake Oswego, OR 97035  
503-376-6774, ext. # 216  
866-927-5826 facsimile  
Attorney for Plaintiff